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Building Towers - Environmental Review and Planning in Indian Country

- Federal Requirements
- Tribal Requirements
- State and Local Requirements Generally Do Not Apply in Indian Country



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Federal Requirements

- National Environmental Policy Act
- Endangered Species Act
- National Historic Preservation Act
- Clean Water Act



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National Environmental Policy Act

- Applies to federal actions (e.g., FCC license, BIA approval of a lease or right-of-way)
- Coordination with other agencies, tribal governments and other requirements



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National Environmental Policy Act

- Environmental Assessment and Finding of No Significant Impact
- Determination of Significance
 - CEQ Regulations
 - Mitigation of Impacts
- Environmental Impact Statement and Record of Decision



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Endangered Species Act

- Section 7 Consultation
 - Applies to federal actions that may affect a threatened or endangered species
- Section 9 Prohibition
 - Applies to any action and prohibits the take of a threatened or endangered species in the United States



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National Historic Preservation Act

- Identifying Historic Properties
 - Contact SHPO, THPO and/or tribal government
 - Conduct a survey – Class I, II and III
- Section 106 Consultation
 - Applies to federal “undertakings” that may affect historic properties, including traditional cultural properties
- Executive Order 13007 – Indian Sacred Sites



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Clean Water Act

- Consultation with the Army Corp of Engineers (ACOE)
- Section 404 Requirements
 - Permit from the ACOE to dredge or fill any waters of the United States (e.g., wetlands)
- Executive Orders 11990 (Protection of Wetlands) and 11988 (Floodplain Management)



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Tribal Requirements

- Tribal Planning Process
 - Approval by Tribal Chairman/President
 - Tribal Council Resolution
 - Administrative Review Process
- Tribal Environmental Codes
 - EPA-Approved Tribal Environmental Programs
 - Tribal Zoning Ordinances